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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,559	01/04/2006	Paul Sabin	58399(47171)	7699

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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
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PARSONS, THOMAS H

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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01/20/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

**Application No.**

10/535,559

**Applicant(s)**

SABIN ET AL.

**Examiner**

THOMAS H. PARSONS

**Art Unit**

1795

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 1.132 Affidavit filed 4 August 200 and the Amendment filed 15 September 20098.
2. ☐ The allowed claim(s) is/are 1-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

Art Unit: 1795

This is a supplement to the Notice of Allowability mailed 23 November 2009.

***Response to Amendment***

This is in response to the Amendment filed 15 September 2009.

***(Previous) DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

1. The rejection of claim 40 under 35 U.S.C. 102(b) as being anticipated by Schmid et al. (US 6,080,503) has been **withdrawn** in view of Applicants' Amendment.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The Amendment to the Specification filed 05/18/2005 has been deleted, and replaced with the following:

--The present application is a 371 of International Application No. PCT/US03/37127, filed on November 18, 2003, which claims the benefit of U.S. Provisional Application No. 60/427,261, filed on November 18, 2002--.

### REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The Declaration under 37 CFR 1.132 filed 19 March 2009 is sufficient to overcome the rejections of claims 1-42 based upon a rejection under 35 U.S.C. 102(e) as being anticipated by Osenar et al. (US 7,306,862), and claims 1-42 based upon a rejection under 35 U.S.C. 102(e) as being anticipated by Osenar et al. (WO 03/092096).

Further, the prior references of record do not teach or fairly suggest an electrochemical cassette with a composite membrane electrode assembly (MEA) having a molded gasket bonded to the periphery of the MEA where the gasket has at least one sealant channel or port and sealant which encapsulates the periphery of the MEA and/or fluid flow field plates and selectively blocks fluid flow to manifolds (*claim 1 and claims 2-31, 41 and 42*). While the prior art references of record disclose gaskets and sealants in MEA fuel cell structures, the prior art does not teach or fairly suggest MEA fuel cells having gaskets containing sealant channels or ports.

The prior art references of record do not teach or fairly suggest a composite membrane electrode assembly (MEA) having a molded gasket bonded to the periphery of the MEA where the gasket has at least one sealant channel or port defined by at least one elevated ridge. While the prior art references of record disclose gaskets and sealants in MEA fuel cell structures, the prior art does not MEA fuel cells having gaskets containing sealant channels or ports defined by elevated ridges.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1795

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Examiner Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. PARSONS whose telephone number is (571)272-1290. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICK RYAN/  
Supervisory Patent Examiner, Art Unit 1795

/Thomas H Parsons/  
Examiner, Art Unit 1795